

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

THIS RELATES TO:  
VEN-A-CARE 06-11337-PBS

CIVIL ACTION  
NO. 06-11337-PBS  
01-12257-PBS

**PRETRIAL ORDER**

SARIS, D.J.

October 20, 2009

The above action has been set down for a JURY TRIAL on 4/26/10, at 9:00 AM

A FINAL PRETRIAL CONFERENCE has been scheduled for 4/16/10, at 2:00 PM.

By 1/16/10, the parties shall make all expert disclosures as required by Fed. R. Civ. P.  
26(a)(2).

By 3/16/10, the parties shall make pretrial disclosures as required by Fed. R. Civ. P.  
26(a)(3).

Objections to the pretrial disclosures shall be served and filed by 3/30/10.

By 4/2/10, the parties shall file a joint pretrial memorandum in accordance with L.R.  
16.5(d). Counsel are required to confer thirty days before the final pretrial conference for the  
purpose of preparing the joint pretrial memorandum.

By 4/2/10, the parties shall file/serve proposed jury instructions, proposed voir dire  
questions, motions in limine, witness/exhibit lists<sup>1</sup>, and any designations<sup>2</sup> of deposition

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<sup>1</sup>Exhibits shall be premarked with one set of exhibit numbers, and the case number is also to appear on each exhibit sticker. There should be no duplicative exhibit numbers. For example, if plaintiff's exhibits are premarked ## 1 - 100, the defendant's exhibits should be premarked ## 101, 102, etc... Counsel shall file with the Court an original and two (2) copies of the exhibit and witness lists.

<sup>2</sup>It is helpful if designations and counter-designations are submitted on the same copy, with designations highlighted in one color and counter-designations highlighted in another.

testimony.

By 4/9/10, the parties shall file/serve opposition to motions in limine, any objections to witnesses or exhibits, and counter-designations of deposition testimony.

Trial briefs shall be filed/served by 4/20/10.

**NOTE: IF THE COURT RESCHEDULES THE TRIAL, ALL SUBMISSION DATES IN THIS ORDER REMAIN IN EFFECT UNLESS COUNSEL FILE A MOTION SEEKING LEAVE OF COURT TO MODIFY THEM TO SPECIFICALLY DESIGNATED DATES.**

By the Court,

/s/ Robert C. Alba  
Deputy Clerk